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|  Wattle Range COUNCIL | POLICY 3.11 | Version: | 2 |
| | Mobile Food Vendors | Date Adopted: | 11/12/2018 |
| | | Next Review Due: | December 2022 |

1. STATEMENT

This policy provides a framework under which a mobile food vendor may apply to Council for a permit, and for Council to comply with its obligations under the *Local Government Act 1999* (the Act).

2. DEFINITIONS

mobile food vending business or **mobile food vendor** means a business involving the sale of food or beverages from a vehicle (within the meaning of the Road Traffic Act 1961) ^(s4 LG Act)

fixed food business is a business, the primary purpose of which is the retail sale of food or beverages that is carried on at fixed premise ^{(r25C(4))}. Fixed food businesses include cafes, restaurants, delicatessens, takeaway food businesses, bakeries, greengrocers, health food shops, butchers, supermarkets and, in some cases, service stations.

3. POLICY

3.1 Principles

The following principles guide this policy:

- Council supports the appropriate use of public roads and reserves for mobile food vendors to operate at approved locations whilst considering public safety, the local economy, fixed food business operators and residential amenity.
- To allow for the operation of trading activities in a manner that does not interfere or conflict with a towns permanent retail and service traders.
- To ensure that the operation of mobile food vendors are appropriate for the area and do not cause any nuisance to the surrounding residents or businesses.
- To ensure the amenity of the area is protected whilst enhancing the area's vibrancy and encouraging visitors and residents to the town or special event.
- To ensure that operations are conducted in accordance with the *Local Government Act 1999*, and relevant Regulations and Council by-laws.

3.2 Scope

This policy applies to all mobile food vending businesses operating on Council public roads within the Wattle Range Council Area.

3.3 Mobile Food Vendor Location Rules

Council will develop, amend and implement location rules in accordance with the Act and *Local Government (General) Regulations 2013 (the Regulations)* ^(s225A, s225B & r25C).

3.3.1 Location rules disputes

If an operator of a food business or a mobile food vendor in the Council area is directly and or adversely affected by these location rules then the operator may apply to the Small Business Commissioner for a review of the location rules ^(s225B LG Act).

3.4 Mobile Food Vendor Permits

A mobile food vending business requires a permit issued under section 222 of the *Local Government Act 1999* to operate a business on a public road in the Council area.

The permit is to be carried at all times while trading and produced upon request by an authorised Council representative or Police Officer.

A Mobile Food Vendor Permit is not required if the vendor is:

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- a) operating (by invitation) as part of an event on community land or road related area where a Special Event Permit has already been issued to the Event Holder; or
- b) trading on privately owned land in accordance with clause 5(2)(ab) in schedule 3 of the *Development Regulations 2008*.

3.4.1 Permit Application

Council will ensure that a Mobile Food Vendor Permit Application Form is available.

Persons requiring a Mobile Food Vendor Permit must complete the application form in full and submit to a Council office.

Application can be made for a monthly or annual permit.

All applications will be considered on an individual basis.

3.4.2 Permit Fees

A Mobile Food Vendor Permit Application Form must be accompanied by the relevant fee as per Council's Schedule of Fees and Charges.

Requests for a reduction or waiver of fees will only be considered upon written application to the Chief Executive Officer. The Chief Executive Officer may at his or her discretion reduce or waive the permit fee.

3.4.3 Permit Conditions

Council may include conditions it considers appropriate when approving a permit, including any that the Act or Regulations require ^(s224 LG Act and r25A).

Applicants must comply with all conditions of a permit ^(s224A LG Act).

A condition consistent with the location rules adopted by council does not apply in relation to a permit for the purposes of a mobile food vending business primarily engaged in the sale of ice cream ^{(s224(4) LG Act)}.

3.4.4 Permit Cancellation

Council may cancel a permit in accordance with the requirements of the Act.

3.5 Policy Implementation

Council's Chief Executive Officer may develop, amend, review and implement procedures and forms to help implement this Policy.

4. REVIEW

This policy will be reviewed every 4 years.

5. AVAILABILITY

This Policy is available for inspection without charge at the following location during ordinary business hours:

- Principal Office, "Civic Centre", George Street, Millicent

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- Council Website: www.wattlerange.sa.gov.au.

A copy of the Policy may be purchased from the Principal Council Office upon payment of a prescribed fee in accordance with Council's Schedule of Fees and Charges.

6. REFERENCES & FURTHER READING

^(s) is a reference to the relevant section in the *Local Government Act 1999*

^(r) is a reference to the relevant regulation in the *Local Government (General) Regulations 2013*

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| References | • |
| Relevant Legislation: | <ul style="list-style-type: none"> • <i>Local Government Act 1999 – s222 -225B</i> • <i>Local Government (General) Regulations 2013 – r25A-25C</i> |
| Relevant Policies / Procedures / Guidelines | <ul style="list-style-type: none"> • Mobile Food Vendor Location Rules • Mobile Food Vendor Permit Application Form |

7. ADOPTION & AMENDMENT HISTORY

The table below sets out the adoption, review and amendment history of the policy.

| Version No: | Issue Date: | Authorised by: | Description of Change: | Minutes Reference: |
|-------------|-------------|----------------|--|-------------------------|
| 1 | 08/10/2013 | Council | Adopted | Folio 5239; Item 12.3.1 |
| 2 | 11/12/2018 | Council | Name change (formerly Itinerant Traders and Mobile Vendors – Council Land) Amended due to legislation changes | Folio 7997; Item 15.3.3 |
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